

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BURKE REALTY COMPANY, INC.)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 97-323
)	
KENTUCKY TURNPIKE WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

Complainant having moved for interim relief in this matter and the Commission finding that an evidentiary hearing should be held on the motion,

IT IS HEREBY ORDERED that:

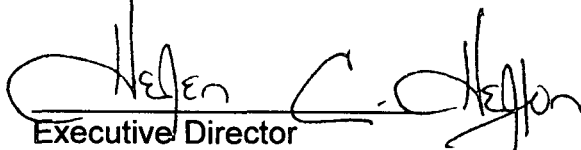
1. An evidentiary hearing on Complainant's Motion for Interim Relief shall be held on December 18, 1997, beginning at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.
2. Defendant shall file with the Commission any written response to Complainant's Motion for Interim Relief no later than December 10, 1997. Defendant shall serve its response upon Complainant by facsimile or by delivering a copy of such response upon Complainant's counsel.
3. Complainant shall file with the Commission any written reply to Defendant's response no later than December 16, 1997. Complainant shall serve its reply upon Defendant by facsimile or by delivering a copy of such response upon Defendant's counsel.

Done at Frankfort, Kentucky, this 5th day of December, 1997.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
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DEFENDANT)	

O R D E R

Finding that a procedural schedule should be established to ensure the prompt resolution of this matter, the Commission HEREBY ORDERS that:

1. A formal hearing in this matter shall be held on April 1, 1998 at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, and continuing until completed.
2. Each party may, on or before December 17, 1997, serve upon any other party a request for production of documents and written interrogatories to be answered by the party served within 14 days of service.
3. Each party may, on or before January 20, 1998, serve upon any other party a supplemental request for production of documents and supplemental written interrogatories to be answered by the party served within 10 days of service.
4. Each party may, on or before February 17, 1998, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

5. Each party may, on or before February 17, 1998, serve upon any other party a written request for admission, for purposes of this proceeding only, of the truth of any matter relevant to this proceeding set forth in the request that relates to statements or opinions of fact or of the application of law to fact. The matter is admitted unless, within 10 days after service of the request, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection. The form of the request for admission and the answer or objection thereto shall otherwise be governed by Kentucky Civil Rule 36.

6. On or before March 10, 1998, each party shall file with the Commission in verified form the direct testimony of each witness whom it expects to call at the formal hearing.

7. On or before March 24, 1998, each party shall file with the Commission in verified form the testimony of each rebuttal witness whom it expects to call at the formal hearing.

8. Direct examination of witnesses shall be limited to the authentication and adoption of that written testimony. No summarization of written testimony by the witness shall be permitted.

9. Witnesses who have filed written direct and rebuttal testimony shall present that testimony at the same sitting. Opposing parties may cross-examine such witnesses on both direct and rebuttal testimonies.

10. Any party may within 14 days of the filing of the hearing transcript with the Commission submit an initial written brief. Reply briefs may be submitted no later than

7 days after the filing of initial brief. Initial briefs shall not exceed 25 pages in length. Reply briefs shall not exceed 10 pages in length.

11. Copies of all documents served upon any party shall be served on all other parties and filed with the Commission.

12. As the Complainant bears the burden of proof in this matter, its failure to appear at the formal hearing and to present proof in support of its Complaint may result in the dismissal of its complaint with prejudice.

13. The failure of Defendant to appear at the formal hearing may result in the entry of an Order granting the Complainant's request relief.

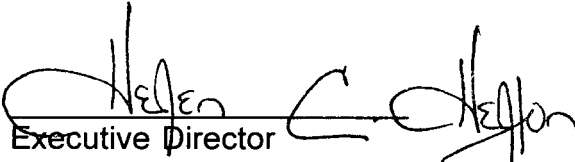
Done at Frankfort, Kentucky, this 5th day of December, 1997.

PUBLIC SERVICE COMMISSION



For the Commission

ATTEST:



Executive Director